

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**AMANDA BOSARGE, individually and on  
behalf of their minor children, et al.,**

*Plaintiffs,*

-against-

**DANIEL P. EDNEY, in his official capacity as  
the State Health Officer, et al.,**

*Defendants.*

Civil Action No. 1:22-cv-00233-  
HSO-BWR

**PLAINTIFFS' RENEWED MOTION FOR SUMMARY JUDGMENT AND  
PERMANENT INJUNCTION**

Plaintiffs, through Counsel, renew their Motion for Summary Judgment and request for final declaratory relief and a permanent injunction (Dkt. 4 & Dkt. 5) but do so consistent with the preliminary injunction order entered on April 18, 2023 (Dkt. 77).<sup>1</sup> Namely, Plaintiffs seek relief limited to the enjoined parties: Daniel P. Edney, in his official capacity as the State Health Officer; Ashley Blackman, in her official capacity as Principal of East Central Lower Elementary School; Allison Merit, in her official capacity as Principal of North Bay Elementary School; Dr. Ashley

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<sup>1</sup> The standards for a permanent injunction are not materially different than those for a preliminary injunction in a constitutional case: namely “(1) a likelihood of success on the merits; (2) a substantial threat of irreparable injury; (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted; and (4) that the grant of an injunction will not disserve the public interest.” *Louisiana v. Biden*, 55 F.4th 1017, 1022 (5th Cir. 2022). The standard for issuing a permanent injunction is identical, except that the plaintiff must show actual success on the merits instead of a likelihood of success, and most courts do not consider the public interest element in deciding whether to issue a permanent injunction. *See Amoco Prod. Co. v. Vill. of Gambell, Ark.*, 480 U.S. 531, 546 n.12, 107 S. Ct. 1396, 94 L. Ed. 2d 542 (1987) (“The standard for a preliminary injunction is essentially the same as for a permanent injunction with the exception that the plaintiff must show a likelihood of success on the merits rather than actual success.”).

Allred, in her official capacity as Principal of Vancleave Upper Elementary School; Tyler Cox, as city prosecutor for Ocean Springs, Mississippi; and these parties' officers, agents, servants, and employees, and anyone acting in active concert or participation with them (the "**Enjoined Parties**").

Said another way, Plaintiffs request that this Court convert the preliminary injunction (Dkt. 77) to a permanent injunction, as there are no genuine issues of material fact, for the reasons set forth by the Court in its preliminary injunction order (Dkt. 77), and by the Plaintiffs in their motion for summary judgment (Dkt. 4 & Dkt. 5). Plaintiffs reincorporate their prior briefing and motions by reference, with the caveats about the Enjoined Parties.

Defendant Edney, without waiving his positions as stated in his Notice of Compliance with Preliminary Injunction Order (Dkt. 82), and the Attorney General have advised that they will not be filing an opposition to this motion.

A proposed order is attached.

Date: August 18, 2023

Respectfully submitted,

SIRI & GLIMSTAD LLP

BY: /s/ Walker D. Moller  
Walker D. Moller, Attorney  
Mississippi Bar Number: 105187  
501 Congress Avenue  
Suite 150 – #343  
Austin, TX 78701  
Tel: (512) 265-5622  
Fax: (646) 417-5967  
[wmoller@sirillp.com](mailto:wmoller@sirillp.com)

Aaron Siri, Esq.  
Elizabeth A. Brehm, Esq.  
Catherine Cline, Esq.  
745 Fifth Ave, Suite 500

New York, NY 10151  
Tel: (212) 532-1091  
Fax: (646) 417-5967  
[aaron@sirillp.com](mailto:aaron@sirillp.com)  
[ebrehm@sirillp.com](mailto:ebrehm@sirillp.com)  
[ccline@sirillp.com](mailto:ccline@sirillp.com)

Christopher Wiest  
25 Town Center Blvd., Suite 104  
Crestview, KY 41017  
Tel: (513) 257-1895  
Fax: (859) 495-0803  
[chris@cwiestlaw.com](mailto:chris@cwiestlaw.com)

*Attorneys for Plaintiffs*

#### CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing upon all counsel of record, via CM/ECF,  
this 18th day of August, 2023.

/s/ Walker D. Moller  
Walker D. Moller, Attorney